

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHRISTOPHER NATHANIEL
WASHINGTON,

Plaintiff,

v.

RALPH DIAZ, et al.,

Defendants.

No. 2:20-cv-2261 KJM AC P

ORDER

Plaintiff, a state prisoner proceeding pro se, has filed two documents responding to a recent flurry of discovery related filings. ECF No. 112 is styled as “objection and motion to strike defendants’ response.” ECF No. 113 is a response to the court’s order filed November 6, 2023 (ECF No. 111).

After the court issued a discovery and scheduling order, plaintiff filed motions for discovery and requests for production. ECF Nos. 104-108, 110. Defendants filed a response stating that that counsel had not received any requests for discovery. ECF No. 107. Plaintiff’s motions for discovery were denied as unnecessary, and plaintiff’s requests for production were stricken from the record. ECF No. 111. Plaintiff now appears to object to defendants’ statement that they had not received any requests for discovery, and he asks that the court take notice of the attachments to his motion and strike defendants’ response. ECF No. 112. Plaintiff has also

1 responded to the November 6 order stating that he only intended the filings to act as proof of
2 service on defendants; he requests that the court strike the motions and give him an opportunity to
3 properly serve the discovery requests. ECF No. 113.

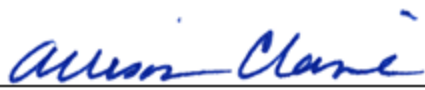
4 Plaintiff's objections to defendants' response will be overruled and the motion to strike
5 denied. Though plaintiff may have mailed copies of the requests to defendants' counsel, that does
6 not mean they had been received at the time defendants filed their response.¹ Plaintiff's motion to
7 strike his motions for discovery will also be denied, as the court has already ruled on the motions.
8 The request for leave to properly serve discovery responses will be denied as unnecessary.
9 Plaintiff currently has until December 4, 2023, to serve any requests for written discovery and he
10 does not require leave of the court to do so. Plaintiff is advised that if he mailed copies of the
11 documents to defendants' counsel, then the documents have already been properly served.

12 Accordingly, IT IS HEREBY ORDERED that:

13 1. Plaintiff's objections to and motion to strike defendants' response (ECF No. 112) are
14 OVERRULED; and

15 2. Plaintiff's motion to strike and for leave to re-serve discovery requests (ECF No. 113)
16 is DENIED as unnecessary.

17 DATED: November 15, 2023

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19 ALLISON CLAIRE
20 UNITED STATES MAGISTRATE JUDGE
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27 ¹ Based on the dates the documents were received by the court, it appears that plaintiff's first
28 motion for discovery (ECF No. 104), to which defendants responded, was mailed separately from
his second motion and accompanying discovery requests (ECF Nos. 105-108, 110).